

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

TIMOTHY SCOTT HARRIMAN, #677187 §

VS. § CIVIL ACTION NO. 6:13cv357

RICK THALER, ET AL. §

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation concluding that the complaint should be dismissed pursuant to 28 U.S.C. § 1915A(b)(1). The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Plaintiff are without merit. It is specifically noted that the Plaintiff is challenging the adequacy of the law library. His objections did not address the conclusion that the lawsuit should be dismissed because he failed to show harm, as required by *Christopher v. Harbury*, 536 U.S. 403, 415 (2002); *Lewis v. Casey*, 518 U.S. 343, 351 (1996). In the absence of harm, he does not have a basis for a potentially meritorious civil rights lawsuit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Report and Recommendation (docket entry #22) is **ADOPTED**. It is further

ORDERED that the above-styled and numbered civil rights lawsuit is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). It is further

ORDERED that all motions not previously ruled on are hereby **DENIED**.

The Plaintiff is hereby informed that the decision dismissing this cause of action as frivolous counts as a strike for purposes of § 1915(g). He is cautioned that once he accumulates three strikes, he may not proceed IFP either in any civil action or in any appeal of a civil action which is filed while he is incarcerated or detained in any facility, unless he is under imminent danger of serious physical injury.

It is SO ORDERED.

SIGNED this 24th day of May, 2013.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE